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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,074

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Christopher A. Williston

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12/29/2004

DEPARTMENT OF THE AIR FORCE

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WRIGHT-PATTERSON AFB, OH 45433-7109

EXAMINER

CHUKWURAH, NATHANIEL C

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,074

Applicant(s)

WILLISTON, CHRISTOPHER A.

Examiner

Nathaniel C. Chukwurah

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-8 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 2,682,414) in view of Blackburn (US 846,389).

With regard to claim 4, Richardson discloses a coupler capable of use for driving a tent stake comprising: an axially elongated body (10) having a first closed end (upper end) and a second open end (lower end); a pair of slots (24, 26) adjacent the open end and substantially orthogonal to the body elongated axis; a of retractable keepers (30) slidable received within the slots; a release lever (32) having a distal end and pivotably attached to the keeper; a spring (46) retained between the body and the lever, for urging the release lever into closed position.

Richardson lacks a pair of retractable keepers, a pair of levers and a pair of springs. Blackburn teaches a pair of retractable keepers and a pair of springs.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to provide Richardson with a pair of retractable keepers, a pair of levers and a pair of springs in order to engage and hold object better.

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Richardson lacks a planar keeper. However, it would have been obvious to one skilled in the art at the time of the invention as a matter of design choice to provide Richardson with planar keepers, which would have worked the same way as non-planar keepers.

With regard to claim 5, Richardson shows a threaded portion (18) for attachment to a tool.

Claims 6, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 2,682,414) in view of Blackburn (US 846,389) and further in view of Hultquist (1,969,798).

With regard to claim 6, Modified Richardson lacks a keeper with notch. Richardson teaches a retractable keeper (8) having a notch (fig. 3) for receiving drill steel.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to provide modified Richardson with a keeper having notch in order to retain the tool bit.

With regard to claim 7, Richardson discloses a coupler capable of use for driving a tent stake comprising: an axially elongated body (10) having a first closed end (upper end) and a second open end (lower end); a pair of slots (24, 26) adjacent the open end and substantially orthogonal to the body elongated axis; a of retractable keepers (30) slidable received within the slots; a release lever (32) having a distal end and pivotably attached to the keeper; a spring (46) retained between the body and the lever, for urging the release lever into closed position.

Richardson lacks a pair of retractable keepers, a pair of levers and a pair of springs. Blackburn teaches a pair of retractable keepers and a pair of springs.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to provide Richardson with a pair of retractable keepers, a pair of levers and a pair of springs in order to engage and hold object better.

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Richardson lacks a planar keeper. However, it would have been obvious to one skilled in the art at the time of the invention as a matter of design choice to provide Richardson with planar keepers, which would have worked the same way as non-planar keepers.

Modified Richardson lacks a keeper with notch. Richardson teaches a retractable keeper (8) having a notch (fig. 3) for receiving drill steel.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to provide modified Richardson with a keeper having notch in order to retain the tool bit.

With regard to claim 8, Richardson shows a threaded portion (18) for attachment to a tool.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 2,682,414) in view of Blackburn (US 846,389) and further in view of Hultquist and Schiff (US 2,525,316).

With regard to claim 11, Richardson discloses a coupler capable of use for driving a tent stake comprising: an axially elongated body (10) having a first closed end (upper end) and a second open end (lower end); a pair of slots (24, 26) adjacent the open end and substantially orthogonal to the body elongated axis; a of retractable keepers (30) slidable received within the slots; a release lever (32) having a distal end and pivotably attached to the keeper; a spring (46) retained between the body and the lever, for urging the release lever into closed position.

Richardson lacks a pair of retractable keepers, a pair of levers and a pair of springs. Blackburn teaches a pair of retractable keepers and a pair of springs.

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Therefore, it would have been obvious to one skilled in the art at the time of the invention to provide Richardson with a pair of retractable keepers, a pair of levers and a pair of springs in order to engage and hold object better.

Richardson lacks a planar keeper. However, it would have been obvious to one skilled in the art at the time of the invention as a matter of design choice to provide Richardson with planar keepers, which would have worked the same way as non-planar keepers.

Richardson lacks a hammer.

However, Schiff teaches a post driver and ejector (see figs. 1&2) having a sliding hammer (15) including a shaft (13 sleeve) having elongated portion and a distal end.

In view of the teachings of Schiff, it would have been obvious to one skill in the art at the time of the invention to provide tool of Richardson with a slide hammer in order to secure an object to the ground.

With regard to claim 12, Modified Richardson lacks a keeper with notch. Richardson teaches a retractable keeper (8) having a notch (fig. 3) for receiving drill steel.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to provide modified Richardson with a keeper having notch in order to retain the tool bit.

With regard to claim 13, Richardson discloses a coupler capable of use for driving a tent stake comprising: an axially elongated body (10) having a first closed end (upper end) and a second open end (lower end); a pair of slots (24, 26) adjacent the open end and substantially orthogonal to the body elongated axis; a of retractable keepers (30) slidable received within the slots; a release lever (32) having a distal end and pivotably attached to the keeper; a spring (46) retained between the body and the lever, for urging the release lever into closed position.

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Richardson lacks a pair of retractable keepers, a pair of levers and a pair of springs.

Blackburn teaches a pair of retractable keepers and a pair of springs.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to provide Richardson with a pair of retractable keepers, a pair of levers and a pair of springs in order to engage and hold object better.

Richardson lacks a planar keeper. However, it would have been obvious to one skilled in the art at the time of the invention as a matter of design choice to provide Richardson with planar keepers, which would have worked the same way as non-planar keepers.

Richardson lacks a hammer.

However, Schiff teaches a post driver and ejector (see figs. 1&2) having a sliding hammer (15) including a shaft (13 sleeve) having elongated portion and a distal end.

In view of the teachings of Schiff, it would have been obvious to one skill in the art at the time of the invention to provide tool of Richardson with a slide hammer in order to secure an object to the ground.

Modified Richardson lacks a keeper with notch. Richardson teaches a retractable keeper (8) having a notch (fig. 3) for receiving drill steel.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to provide modified Richardson with a keeper having notch in order to retain the tool bit.

Response to Arguments

Applicant's arguments with respect to claims 4-8 and 11-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathaniel C. Chukwurah whose telephone number is (571) 272-4457. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


LOUIS K. HUYNH
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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